

Exhibit 3

RECEIVED	
FILE COPY	GCI LEGAL/REGULATORY
SCANNED	JUN 28 2004
Calendared	
Bonnie2	
Judi	

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Mark K. Johnson, Chair
Kate Giard
Dave Harbour
James S. Strandberg
G. Nanette Thompson

In the Matter of the New Requirements of
47 C.F.R. § 51 Related to the Federal
Communication Commission Triennial Review
Order on Interconnection Provisions and
Policies

R-03-7

ORDER NO. 7

ORDER TEMPORARILY LIFTING STAY AND ACCEPTING STIPULATION

BY THE COMMISSION:

Summary

We temporarily lift the stay in this proceeding to address a *Stipulation* filed by ACS-F and ACS-AK (collectively ACS Rural LECs), and GCI.¹ We accept the *Stipulation* and reinstitute the stay.

Background

Through Order R-03-7(6),² we placed a temporary stay on any further action in this proceeding. On May 18, 2004, ACS Rural LECs and GCI filed a *Stipulation*³ stating they had resolved all pending disputes regarding the continued availability of access to unbundled network elements (UNEs) for the ACS Rural LEC service areas. ACS Rural LECs and GCI stipulated that the ACS Rural LECs will

¹GCI Communications Corp. d/b/a General Communication, Inc., and GCI (GCI).

²Order Granting Motion to Stay Proceeding, With Provision to Allow Filing of Reply Comments, dated April 2, 2004.

³Stipulation Resolving Pending Disputes Regarding Access to Unbundled Network Elements (Stipulation), filed May 18, 2004.

1 continue to provide GCI with access to UNE-P⁴ (including access to unbundled local
2 switching), dedicated and shared transport, and signaling, for any unbundled local loop
3 that GCI cannot access directly at any current GCI collocation, or indirectly at any
4 current GCI collocation via a universal digital loop concentrator or a remote switching
5 device that is currently equipped to accommodate multi-hosting. The *Stipulation* further
6 stated that all other unbundled network elements not specifically addressed in the
7 *Stipulation* shall remain available under the current terms of any applicable
8 interconnection agreement, as may be modified by mutual agreement between the
9 parties.

10 Discussion

11 The ACS Rural LECs and GCI filed a *Stipulation* resolving the vast
12 majority of issues related to their interconnection. We temporarily lift the stay imposed
13 in Order R-03-7(6) for the sole purpose of addressing the *Stipulation*. The *Stipulation*
14 appears reasonable and benefits both the carriers and the public by reducing dispute
15 resolution costs, reducing uncertainty in the markets, and making it less likely that
16 potential disputes between the carriers will affect consumer services. We accept the
17 May 18, 2004 *Stipulation* filed by the ACS Rural LECs and GCI. With that action, we
18 reinstitute the previously granted stay in this proceeding.

19 We previously stayed further action in Docket R-03-7 in recognition of the
20 uncertainty of the status of the Triennial Review Order (TRO) of the Federal
21
22
23
24

25 ⁴UNE-Platform.
26

1 Communications Commission (FCC),⁵ a key document relevant to our review.

2 On March 2, 2004, the U.S. Court of Appeals for the District of Columbia
3 Circuit (D.C. Circuit Court) issued an order vacating various portions of the TRO,
4 subject to a temporary stay of the vacatur.⁶ The U.S. Supreme Court declined to grant
5 a further stay of the D.C. Circuit Court's decision, and that decision went into effect on
6 June 15, 2004. As a result, various sections of the TRO no longer apply, including the
7 FCC's decision requiring states to determine whether impairment would exist if certain
8 UNEs are no longer available.

9 We continue the stay of action in Docket R-03-7 rather than closing
10 Docket R-03-7. The status of the TRO, the status of various federal UNE policies, and
11 our need to continue to develop the record in this proceeding remain uncertain. For
12 example, it is possible that while the U.S. Supreme Court declined to stay the June 15
13 deadline, petitions may be filed asking the U.S. Supreme Court to reverse the ruling by
14 the D.C. Circuit Court. Additionally, maintaining Docket R-03-7 as open, but stayed,
15 preserves our opportunity to continue a review if it would aid us in responding to
16 possible future FCC requests for information or a future further notice of proposed
17 rulemaking. As a result, at this time we will not close Docket R-03-7 and instead will
18 continue the stay.

19
20 ⁵Review of the Section 251 Unbundling Obligations of Incumbent Local
21 Exchange Carriers (CC Docket No. 01-338), Implementation of the Local Competition
22 Provisions of the Telecommunications Act of 1996 (CC Docket No. 96--98), and
23 Deployment of Wireline Services Offering Advanced Telecommunications Capability
(CC Docket No. 98-147), *Report and Order and Order on Remand and Further Notice of
Proposed Rulemaking*, FCC 03-36, (rel. Aug. 21, 2003) (Triennial Review Order).

24 ⁶Originally the DC Circuit Court temporarily stayed the vacatur (i.e., delayed
25 issue of its mandate) until no later than the later of (1) the denial of any petition for
26 rehearing or rehearing en banc or (2) 60 days from March 2, 2004. The vacatur ended
June 15, 2004.

1
2 ORDER

3 THE COMMISSION FURTHER ORDERS:

4 1. The stay granted through Order R-03-7(6) is temporarily lifted to
5 address a stipulation filed in this proceeding.

6 2. The *Stipulation Resolving Pending Disputes Regarding Access to*
7 *Unbundled Network Elements*, filed May 18, 2004, by ACS of Fairbanks, Inc. d/b/a
8 Alaska Communications Systems, ACS Local Service, and ACS; and ACS of Alaska,
9 Inc. d/b/a Alaska Communications Systems, ACS Local Service, and ACS; and GCI
10 Communications Corp. d/b/a General Communication, Inc., and GCI, is accepted.

11 3. All subsequent action in this proceeding is stayed as explained in the
12 body of this Order and Order R-03-7(6).

13 DATED AND EFFECTIVE at Anchorage, Alaska, this 24th day of June, 2004.

14 BY DIRECTION OF THE COMMISSION



Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501
(907) 276-6222; TTY (907) 276-4533

STATE OF ALASKA

THE REGULATORY COMMISSION OF ALASKA

Before Commissioners:

Mark K. Johnson, Chair
Kate Giard
Dave Harbour
James S. Strandberg
G. Nanette Thompson

In the Matter of the New Requirements of
47 C.F.R. § 51 Related to the Federal
Communication Commission Triennial Review
Order on Interconnection Provisions and
Policies

R-03-7

CERTIFICATION OF MAILING

I, Jana Grenn, certify as follows:

I am Administrative Clerk III in the offices of
the Regulatory Commission of Alaska, 701 West Eighth Avenue, Suite 300,
Anchorage, Alaska 99501. On June 25th, 2004, I mailed copies of:

Order No. 7, entitled:

ORDER TEMPORARILY LIFTING STAY AND ACCEPTING
STIPULATION

(Issued June 24, 2004)

in the proceeding identified above to the persons indicated on the attached service list.

DATED at Anchorage, Alaska, this 25th day of June 2004.



Regulatory Commission of Alaska
701 West Eighth Avenue, Suite 300
Anchorage, Alaska 99501
(907) 276-6222; TTY (907) 276-4533

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

Service of Order R-03-7(7) includes mailings to all known interested persons, and the list is lengthy. In order to minimize copying and mailing costs, the Commission has waived the requirements of 3 AAC 48.100(l) to the extent that the service list herein is not included as part of this mailing. That list is a public record on file with the Commission. Persons interested in obtaining the list should contact the Commission at the address set out to the left.